

June 9, 2008

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

JUNE 9, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY
JAMES DITTBRENNER

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call to order the June 9, 2008 meeting of the Town of New Windsor Zoning Boards of Appeals.

APPROVAL_OF_MINUTES_DATED_APRIL_28,_2008_&_MAY_12,_2008

MR. KANE: Motion to accept the minutes of April 28, 2008 and May 12, 2008 as written.

MS. LOCEY: So moved.

MR. BEDETTI: Second it.

June 9, 2008

2

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

June 9, 2008

3

PRELIMINARY_MEETINGS:

APOLLO_CYPRESS_(08-17)

MR. KANE: Request for interpretation and/or use
variance for existing single family home with two
kitchens or two family home at 2903 McKinley Court in
an R-3 zone. Since no one is present for this one
we'll put this on hold.

JOHN_CHANNELL_(08-18)

MR. KANE: Request to allow proposed 6 foot fence closer to the road than the principal dwelling on a corner lot at 1036 Rolling ridge.

Ms. Kelly Channell appeared before the board for this proposal.

MR. KANE: Hi, what we do in the Town of New Windsor is we actually hold two meetings, we hold a preliminary meeting so we can get a general idea of what you want to do and so that you actually bring the correct information to the public hearing. All decisions have to be made at a public hearing. Just please speak up so the young lady over there can hear you, state your name and address.

MS. CHANNELL: Kelly Channell, 1036 Rolling Ridge, New Windsor. We'd like to put a 5 foot fence, we know a 4 foot is allowed but because we're considered two front yards.

MR. KANE: You're a corner lot, it's easier to say.

MS. CHANNELL: Exactly.

MR. KANE: And the reason for the five foot fence?

MS. CHANNELL: Because we have a dog and kids.

MR. KANE: So for safety?

MS. CHANNELL: Safety, yes.

MR. KANE: You're a corner lot, I would need or appreciate for the public hearing a picture from the street showing the distance from the street going right around to where the fence is.

MS. CHANNELL: These are clear, the other ones were not.

MR. KANE: Again, not what I'm looking for, down the street take a picture down the street looking at so your house is here showing the street this way and that way so we can get an idea that the fence is not going to inhibit the vision of anybody driving down either street.

MS. CHANNELL: All right.

MR. KRIEGER: The way it would look through the windshield of a motorist driving by.

MR. KANE: Thank you.

MS. CHANNELL: Towards the corner?

MR. KANE: Either way, it doesn't make a difference, as long as we can see it that would be good for the record.

MR. KRIEGER: It's a two-way street so take two pictures at least.

MS. CHANNELL: Just want it from the side what we consider side and you consider front yard?

MR. KANE: Both would be good because you're putting it on both sides of the house.

MS. CHANNELL: On both sides.

MR. KANE: So both sides just for the record so we have everything.

MS. CHANNELL: Sure.

MR. KANE: In your opinion, the fence itself is not

going to inhibit the vision of anybody driving out there?

MS. CHANNELL: No, not at all, it sits way back.

MR. KANE: What kind of fence?

MS. CHANNELL: An aluminum fence, here's a photo, it's exactly identical to our neighbor's fence as well.

MR. DITTBRENNER: Can I ask for a clarification? You said five foot fence, the application says six foot?

MS. CHANNELL: No, it's five feet.

MR. KANE: Are you sure?

MS. CHANNELL: I'm positive, it's five.

MR. BABCOCK: Your writing says six feet.

MS. CHANNELL: That was probably my husband's.

MR. BABCOCK: Is he here tonight?

MS. CHANNELL: No.

MR. KANE: We'll change that to five so we'll have it for the public hearing.

MR. BABCOCK: Mr. Chairman, this fence appears to be the house is 79.7 feet off the property line off the road and this fence appears to be probably 69, 70 feet from the road.

MS. CHANNELL: It is.

MR. TORPEY: It's not near the road at all?

MR. BABCOCK: But it cannot go in front of the house,

that's part of the front of the house.

MR. KANE: If she was on a regular lot, she probably wouldn't be here.

MR. BABCOCK: That's correct, she would not be here.

MR. KANE: Strictly because she's a corner lot.

MR. BABCOCK: There's no way that it would have any vision problems, it's some 60 feet.

MR. KANE: Gotta ask.

MR. KRIEGER: Just as long as it's in the record.

MR. BEDETTI: Are you planting anything that will grow and obstruct vision?

MS. CHANNELL: No, no planting at all.

MR. KANE: It's pretty clear cut. Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of John and Kathleen Channell as detailed on the Zoning Board of Appeals agenda dated June 9, 2008.

MR. DITTBRENNER: I'll second it.

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITTBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

PUBLIC_HEARINGS:

AVAN_REALTY,_LLC_(08=10)

MR. KANE: Request for one additional freestanding sign at 140 Executive Drive.

Mr. Haig Sarkissian appeared before the board for this proposal.

MR. KANE: Please state your name, address, speak loud enough so this young lady can hear you.

MR. SARKISSIAN: My name is Haig Sarkissian and my address, home address or business?

MR. KANE: Business is fine.

MR. SARKISSIAN: 140 Executive Drive, New Windsor.

MR. KANE: Tell us exactly what you want to do.

MR. SARKISSIAN: This is a public hearing for additional sign that we would like to put on Executive Drive at Route 300 at the corner so that visitors and patients to our new building will be able to find us.

MS. LOCEY: As I remember from the preliminary hearing this building is going to be in back of the existing building right there on Route 300 so you won't really be able to see it from the road?

MR. SARKISSIAN: Correct, the building is about 600 feet behind Route 300.

MR. KANE: So it is behind that other building that's right there?

MR. SARKISSIAN: Correct, behind two buildings that are there, both building have signs, I was asked to bring

some additional pictures last time I brought some additional pictures. Who should I give them to?

MS. MASON: I'll take them.

MR. KANE: Cutting down any trees or substantial vegetation in putting up the sign?

MR. SARKISSIAN: No, there are no trees as shown.

MR. KANE: Is the sign illuminated in any way?

MR. SARKISSIAN: It will be illuminated just like the other two signs, the other two buildings each have a sign in that corner.

MR. KANE: Internal illumination?

MR. SARKISSIAN: Yes.

MR. KANE: Nothing flashing?

MR. SARKISSIAN: Nothing flashing.

MR. KANE: Mike, how many other buildings do we got back there?

MR. BABCOCK: Actually, there's one more going up right now, well, actually, I don't know if they started that yet. They started one across the street from you.

MR. SARKISSIAN: No.

MR. BABCOCK: There's one more that's going up and then Executive Drive before they could do anymore is going to extend down and come out onto 207, actually make a turn and connect with Wembly Drive. So once that happens and it becomes a drive-through road and we're going to, we have already talked to them about offer for dedication to the town as a town road and he's

committed to that.

MR. KANE: I'm just getting a little concerned, I know I understand your reasoning for wanting it but that's really building up on signs in that one piece and honestly it looks terrible.

MR. TORPEY: One big sign with everything on it would like nicer than a whole bunch of little ones.

MR. KANE: Problem is it's not all the same building so it's not the same ownership.

MR. BABCOCK: No, this gentleman's only got one building, he has nothing to do with the other two buildings that are existing there now.

MS. LOCEY: There's another owner who's going to build a fourth building?

MR. BABCOCK: Yeah, actually across the street from him farther down.

MS. LOCEY: So we could probably assume that that fourth building will want its own sign.

MR. BABCOCK: I would assume once they see this sign go up they're going to want one out there also, yes.

MR. TORPEY: Have one big fancy, you know, paver signs with just saying Executive Drive or something and everybody, you know what I'm saying, like in the end of the entrance one big fancy sign that everybody could just about go on instead of, you know, whoever's doing the road they can dedicate it or do something like that.

MR. DITTBRENNER: What's the ownership between Mr. Helmer and these other three properties?

MR. BABCOCK: Mr. Helmer actually owns the property where the signs are being located.

MR. DITTBRENNER: He has no interest in this property.

MR. BABCOCK: This gentleman's property, none, the other one he did build.

MR. DITTBRENNER: Mr. Helmer is allowing these signs to be, and making application for a third sign on this property?

MR. BABCOCK: That's correct.

MR. DITTBRENNER: Maybe Mr. Helmer needs to be addressed for future signs he needs to consolidate and build a marquee sign.

MR. KANE: I agree.

MR. BABCOCK: Honestly think something like that would be good too only because I think even if it becomes a town road even ten years from now this gentleman would like to have a sign out by 300.

MR. KANE: And perfectly understandable, there's just got to be a better way to do it.

MR. BABCOCK: It's not a road people are going to travel unless they're looking for--

MR. TORPEY: Some like grand entrance, something nice that everybody could be almost on it, something attractive.

MR. SARKISSIAN: Is the fourth building going up the one owned by River Realty?

MR. BABCOCK: It's owned by Poughkeepsie Properties.

MR. SARKISSIAN: Which owns the other building one of the two buildings that's already there and they have one of the signs already.

MR. BABCOCK: Okay.

MR. KANE: So that I would still rather see them all consolidated into something that looks better. And my other concern, I know everything that we do here is based on the individual application at that time and we don't set a precedent but at a certain point there's an expectation that comes out.

MR. BEDETTI: That photograph in fact shows two signs, in fact, if I recall actually a third sign there right now advertising commercial space, doesn't show--

MR. BABCOCK: That's correct.

MR. SARKISSIAN: That's on the other side of the street.

MR. KANE: That's actually on a different piece of property but what we're getting is you're getting all of these.

MR. BEDETTI: That's the point and if I recall correctly wasn't there some question about whether they need to get in writing the acceptance by the property owner to erect these signs? And then the next thing comes to my mind is this actually proper use for that land to put sign graveyard up there? That's what it's going to look like.

MR. KANE: We do have a proxy, he would have to have the proxy even to be here.

MR. BEDETTI: That came up at the last meeting.

MR. BABCOCK: The applicant for this sign is actually

Bill Helmer because it's his property.

MR. BEDETTI: My question is is it proper to take a piece of property and just continue to keep erecting signs on that property, is that proper use for the land?

MR. BABCOCK: No.

MR. BEDETTI: To just keep erecting signs because I own a piece of land and say that seems like a halfway decent piece of property, I'll take that piece of land, rent out the space for signs and the question is is that proper use for the property?

MR. BABCOCK: I don't know if Mr. Helmer's charging these people a monthly rent for these signs.

MR. SARKISSIAN: That's not the case, in fact, we negotiated and he agreed to allow us to cooperate to have the sign.

MR. KANE: You understand where we're at with it? I mean, there's just so many signs going up on that corner, it's unsightly at best.

MR. BEDETTI: We asked them at the preliminary meeting if they could in fact investigate the possibility of consolidation, you know, put the other signs all in one particular, just make one sign as opposed to four or five and six.

MR. SARKISSIAN: Well, I have investigated that myself and I think I had a discussion with your office, the sign laws allow for a certain size sign so unless we get a variance--

MR. KANE: Right, but I think it would be better fear to give a variance for the size of a sign that can handle that rather than having four, five, six, seven

individuals signs all over the place. I'd much rather give a variance to consolidate and make it look more presentable and again this isn't any reflection on you at all, just happens to be that corner and I go by it every day. Let me do this first. Is there anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On the 23rd of May, I mailed out five addressed envelopes and had no response.

MR. KANE: Okay, how do you guys feel, I mean--

MR. TORPEY: Do something temporary but to keep going the way it's going would be silly, everybody should get together and maybe structure one sign and maybe pay rent on it or something, structure one fancy grand entrance sign or something, you know what I mean?

MR. KANE: Yes, absolutely.

MR. TORPEY: This way everybody can have a spot on there and do whatever and everybody will know what's down that road. It's an industrial park which buildings and what's down there.

MS. LOCEY: Explain if you would the existing two signs that are there, was a variance needed for one or both of those?

MR. BABCOCK: Yes, and it received one, it received a variance, yeah, the one that says Finkelstein is the one that received a variance from this board.

MR. TORPEY: There's multiple businesses in that one glass building.

MR. BABCOCK: No, actually the second sign is for the second building.

MR. SARKISSIAN: Which had a variance.

MR. BABCOCK: Yes.

MS. LOCEY: So my question is once that variance was granted, does this board have any authority to rescind that approval?

MR. KRIEGER: No.

MR. KANE: Not on that side, it goes with the property, any variance we get goes with the property right there so we couldn't do anything specifically about the two signs that are there.

MR. KRIEGER: It goes with the property. There's another question here and that is what happens when Bill Helmer no longer owns the property?

MS. LOCEY: Well, I don't know what does happen if your variance goes with the property, the variance is there?

MR. KANE: He can still have two signs there.

MS. LOCEY: And that brings me to my next point, if we condition this approval based on it being the last of the third and last sign allowed on that property and we already know a fourth building is going up, is there a way or should we considerate at this time allowing no more signs until some kind of consolidation of all of those signs is considered? But can we do that legally if the existing signs already have approval?

MR. KANE: Well, you could again Andy will clarify but I think you can approve this sign and the three would be there and any other considerations would be a consolidation and if they didn't want to do that it wouldn't hurt the existing signs, they have the right to stay, it's just nothing else would be allowed to go

in.

MS. LOCEY: I can understand that.

MR. DITTBRENNER: But knowing there's a fourth building should we be making that decision now?

MR. KANE: The expectation is there for that fourth.

MS. LOCEY: On the other hand, I don't think it's fair to the applicant that he was brought to this level having gone through the preliminary process even though we touched on the subject, I don't think that this board indicated that it would be a reason for disapproval of his variance, you know, I want to be fair.

MR. KANE: Absolutely.

MR. TORPEY: Who's putting the road in? Who's in charge of all this back there, selling the lots?

MR. BABCOCK: Bill Helmer, Bill Helmer owns the road, it's offered to the town for dedication and the road may extend.

MR. TORPEY: Why can't we go after him to straighten out the beginning of that road?

MR. BABCOCK: Well, Bill Helmer has clearly no benefit in these signs.

MR. DITTBRENNER: That's the only thing, we're not declining Mr. Sarkissian, we're declining Bill Helmer.

MR. BABCOCK: Bill Helmer has no need for this gentleman's sign, he's I guess being a nice guy and saying he can put a sign on my property so to go to Bill Helmer and tell Bill Helmer to build this gentleman a sign he's not going to do that.

MR. TORPEY: What about build everybody a sign?

MR. BABCOCK: He's not going to do that, he's not going to build anybody a sign.

MR. BABCOCK: Jim, you know, I mean if Bill Helmer was told that he's got to put a directory sign there I'm sure he would charge these people rent.

MR. DITTBRENNER: Charge rent he's going to build it beautiful.

MR. BABCOCK: Once this road goes down and turns and comes out at the traffic light on 207 if that ever happens they'll all want a sign down on that end.

MR. KANE: So if the decision of this board is going to bill okay then we can make an addendum on there that this would be the final unless there was a consolidation of signs afterwards.

MR. KRIEGER: Well, each application stands on its own so you can't run the risk of appearing to prejudge an application before it's made and that that goes too far. The only thing I was going to say each application stands on its own and that means that the four criteria set forth in the law for testing the for establishing the balancing test have to be asked each time there's an application. Now of course it's going to make a big difference when asking those questions whether there are existing signs there on that property or not. You reach a breaking point when you say for instance undesirable character, an undesirable change in the neighborhood you may say well, one doesn't do it, three doesn't do it but four is just too many but you have to do it then when the application's made.

MS. LOCEY: And Mr. Helmer, is that his name?

MR. BABCOCK: Yes.

MS. LOCEY: Mr. Helmer is building the road and offering that to the town?

MR. BABCOCK: Yeah, the road is, this section of the road is complete, it's been there for years.

MS. LOCEY: So does the town already maintain that portion of the road?

MR. BABCOCK: No.

MS. LOCEY: So can final approval, final acceptance of the town taking over that road be connected to the signs at the front of that road?

MR. KANE: But the signs are on a piece of property, not on the road, right?

MR. BABCOCK: Well, right now since Mr. Helmer owns the road it's on that same piece of property. But if you look at the tax map you'll see that there's a dotted line that's going to take when the Town of New Windsor does the dedication.

MR. DITTBRENNER: Mike, the road is an easement through each of the parcels where the signs are is a separate parcel, that's not part of the road?

MR. BABCOCK: It will be when it's dedicated to the town.

MS. LOCEY: Are there any negotiating factors before the final approval is given or final acceptance of the road by the town?

MR. BABCOCK: I don't think so, you know what I'm saying to you is that the road is a 50 foot easement, these signs are not within that 50 foot right-of-way

piece of property that Mr. Helmer owns, goes off the road and down to the water, if he's going to build something there he could, you know, but we don't want that piece, I don't think we want it, maybe the town does want it I don't know then they'll be on town property if that's the case.

MR. TORPEY: They still need an entrance of signs saying what's back there, you can't keep putting signs up all over the place, you still need one huge sign.

MR. KANE: But you can't force them to do that.

MS. LOCEY: Our only alternative is to deny an application for any further signs and have that perspective client.

MR. KANE: That each sign application as they come before us.

MS. LOCEY: Deal with Mr. Helmer directly.

MR. KANE: All right, I think at this point is there anything else that you want to say?

MR. SARKISSIAN: I just had a question. Is the issue the number three or four or more than four signs?

MR. BABCOCK: I think more than one, I think the issue is more than one, it's just happening, you know, well, the next guy wants one, then the next guy.

MR. TORPEY: If everybody was on one sign it wouldn't look bad.

MR. SARKISSIAN: So the two signs that are there one of them--

MR. KANE: One of them is allowed, the other one that's a variance to be there.

MR. SARKISSIAN: Very first one that the rent sign that's there is actually a tenant or somebody in the glass building which can place that sign across on the road on their property.

MR. TORPEY: Or add it to the one that's existing and just put it a little bit lower.

MR. SARKISSIAN: Well, if you put two signs on one pole then it violates your sign laws of limit of 64 feet or whatever the dimensions is so that's why.

MR. TORPEY: It's an easier thing to work with than six or seven signs.

MR. KANE: We're saying that kind of variance.

MR. SARKISSIAN: There are a total of four properties there, one of them already has frontage, the other two are owned by the same owner and then there's us so the other two and us don't have frontage on 300. The one that's already there has frontage on their sign and they can choose to relocate their sign. So number 1 the total problem cannot be more than four sign problem because there are four buildings and nothing else until and unless Executive gets extended. Number 2, one of the signs already has frontage, number 3 building, number 2 and 3 are owned by the same owner. So if the board would like to be creative there are, the problem is no more than a fourth sign problem and there are ways to reduce it to two or three if you'd like.

MR. BABCOCK: The owner of the building it actually doesn't matter, it's the tenant, the owner of the building doesn't care whether his tenant has a sign or not.

MR. SARKISSIAN: Unless the owner is a tenant.

MR. DITTBRENNER: Bill has a variance for a second sign on that property, we don't care whose name is on that sign.

MR. BABCOCK: That's correct.

MR. DITTBRENNER: So the Finkelstein sign could be moved over in front of the glass building and Bill could change it to his sign.

MR. BABCOCK: That's correct.

MR. DITTBRENNER: And we would not be increasing the number of signs and then we deal with the next application when Mr. Helmer for a marquee sign.

MR. BEDETTI: You don't know if Finkelstein will move that sign.

MR. KANE: I don't think that's an issue we can enforce.

MR. BABCOCK: It's permitted to be there, we already give them a building permit to have them there. The only thing--

MR. DITTBRENNER: It's a creative solution for you and Mr. Helmer.

MR. BABCOCK: If the variance was denied, they would get the message I'm sure I guess that's the only way you would do that.

MR. TORPEY: This poor guy's caught in the middle.

MR. KANE: We could do it that way or the other option to do it is to actually--

MR. DITTBRENNER: The applicant is not Mr. Sarkissian.

MR. KANE: The other option is to table it and get him involved with the discussion.

MR. TORPEY: That would be a good idea.

MR. KANE: Bring him in and table it, not make a decision tonight, table it until he can be decided, I mean, that I would always leave up to the applicant whether you want to or if you want to go through a vote here, more than happy to do it or we could table it and get him involved with a discussion and try to make those two signs handle that rather area with a sign and make the sign a little bit bigger to handle two businesses than put up a third or fourth sign so I'm just saying an option.

MR. SARKISSIAN: If you allow.

MR. DITTBRENNER: If you table and he says I'll modify and create a marquee sign on that property he doesn't need a variance anyway.

MR. BABCOCK: Yeah, he does, it's too big just for size wise.

MR. DITTBRENNER: Then he can modify his application, unless he reduces the size of the sign.

MR. KRIEGER: You want to consider the variance either way the number or size of signs.

MR. KANE: If we table that opens up the possibility of closing the whole issue.

MR. BABCOCK: Or have one sign with little names on it, littler names.

MR. KANE: Do you understand?

MR. SARKISSIAN: I don't really understand, no.

MR. KANE: The way I see it for this evening is that we have two options that we can do, we can continue the way we're going and have a vote of the board and it will either be approved or denied one way or the other. Or we can table the motion for tonight, not make a decision, have you go back and talk to Bill and let him know what we were talking about and our concerns with the amount of signs on that property, see if there's a possibility to combine everything into one sign and come back with a variance for the size of one or two signs, I don't care if we get rid of the second one, if we have two businesses on each, two on each sign that's fine, I'd rather see that.

MS. LOCEY: Would Mr. Helmer come in and discuss that?

MR. SARKISSIAN: Well, I think he alone will not be able to make those decisions because two other entities are involved, the owner of the other two signs.

MR. KANE: He's the only one that can make the decision, it's his property, the variances aren't on to the people's whose names are on the sign, it's to the property owner and he's the property owner.

MR. SARKISSIAN: Well, I had him with me last time and we had the proxy and I didn't think I needed him today.

MR. TORPEY: Bring him one more time.

MR. KANE: Table it and we'd delay it until the next meeting and if he did come in and discuss it with us actually we can settle the whole thing in one sitting or we can go ahead and have a vote.

MR. SARKISSIAN: Well, as I showed you in my opinion if the board is concerned with four or more signs the fourth one that will be coming for the new building is already, the owner already has one sign already, they

can combine that so we're only talking about three separate structures there and if the board prepares for our sign to be below one of the existing signs we'd be happy to combine with that.

MR. KANE: That would change your application to put that sign below one of the other signs, that's why we're saying table it and have that discussion and if you wanted to add the sign to one that's existing in there then we would put you on the next meeting and take a look at it at that point. The thing is that if we change the application do we have to readvertise?

MR. KRIEGER: Depends on how--

MR. KANE: How it's worded?

MR. KRIEGER: Yes.

MR. KANE: It would have to go back into the paper I think.

MS. LOCEY: So tabling would not really do anything.

MR. KANE: Actually, no.

MR. BABCOCK: I think if these existing signs had some type of landscaping around them to beautify them a little bit they would go away a little bit, these four stick up out of the ground, there's just, they're just ugly.

MR. SARKISSIAN: Well, one of the issues that you had asked me last time and this time is does it impede any traffic and if you think about cars coming in and out, you know, having them elevated makes for a better visibility for cars. I don't know how you feel about that and at the end you'll end up approving three or four independent signs because of that concern, if that's what's going to, if we're going to delay it and

come back to that issue again I don't know what your opinion is. Is it important that they be elevated?

MR. KANE: So I guess we'll go ahead and vote on it this evening.

MR. SARKISSIAN: I don't think so, I think I'll take your recommendation that we--

MR. KANE: Talk to the owner and let him know our concerns on it and whatever you feel that the general feeling of the board is with regards to those signs. I will accept a motion to table.

MS. MASON: Do you want Mr. Helmer at the next meeting?

MR. KANE: I think he should be here, he's the only one that really can answer the questions. So if he can come to the next meeting we'll put you on the June 23rd meeting if that's okay with you that's our next meeting is June 23rd.

MR. DITTBRENNER: I would move that we table the application for William Helmer for the sign variance as noted in the application.

MR. TORPEY: I'll second that.

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITTBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

MR. KANE: When he comes in we can hash it out for something that looks good right there.

MR. DITTBRENNER: You may want to talk to him ahead of

time and see if there isn't a solution moving the one sign for Finkelstein.

MR. SARKISSIAN: Okay, very good.

MR. KANE: Yeah because if they move the Finkelstein sign he already has the variance for the second one.

MR. SARKISSIAN: Okay, thank you.

LOIS_LYON_(08-15)

MR. KANE: Next public hearing is Lois Lyon. Request for two foot side yard setback for proposed 28 foot by 10 foot addition at 2 Chimney Corner in an R-4 zone.

MR. THOMPSON: Good evening, my name is Joe Thompson here as the project manager to represent our client, Lois Lyon. This property is on 2 Chimney Corner here in New Windsor. It's a corner lot and we're proposing an addition to the house that requires a two foot rear yard setback variance as it encroaches on the 20 foot minimum to 18.1 foot so about two feet. The existing neighboring house was added from the last time we came before the board at the initial meeting and that's about 26.2 feet away from that front line so that does comply with current zoning standards. This lot was a difficult lot to design. There's a pre-existing, non-conforming addition with the lot size, the house was built in the 1950's before current zoning requirements and I believe as Mr. Babcock informed us last time zoning requirements have changed over the years which have become more restrictive than they were when this was constructed. So we had a difficult time planning this without requesting a variance. We don't believe it to be too substantial in size as it's only 2 feet and it will greatly increase the aesthetics of the existing home and functionality of it. The property is owner-occupied and well maintained and the use and the scale and the aesthetics of the addition will be in keeping with the rest of the neighborhood. The elevations right here are shown. The work mainly is composed of this rear addition which is 10 x 28 foot and that's what crosses over that setback line and the front there's a new dormer and the front porch spanning the full width of the front facade along with some exterior front elevations made to improve its condition. That's pretty much the extent of the work that we propose on this property.

MR. KANE: Does the board have any additional questions or information that they need? What's the addition going to be used for?

MR. THOMPSON: The addition will be a family room along with a bathroom and a bathroom combination laundry room so laundry can come up out of the existing basement so the client doesn't have to climb the sets of stairs.

MR. KANE: The addition is only coming out 10 foot so it's not an extreme amount of distance.

MR. THOMPSON: No, sir, it's a 280 square foot footprint and encroaches beyond the minimum 20 foot requirement.

MR. KRIEGER: The addition will be as long as the house, it's less than that?

MR. THOMPSON: Less than that, it's as long as the main portion of the house but doesn't extend to the garage and it's a little shorter than that.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MR. THOMPSON: Not substantial, there's some bushes and plantings that will be taken out of course and maybe one or two small pine trees you might see in the picture but I don't think they need to be disturbed.

MR. KANE: Creating any water hazards or runoffs?

MR. THOMPSON: No, sir, we'll be installing gutters to handle the additional storm water and there will be footing drains to carry away anything additional on that side.

MR. KANE: Okay, at this point, I will ask if there's anybody in the audience for this particular hearing?

Seeing as there's not, I will ask Myra how many mailings we had.

MS. MASON: On May 23, we mailed out 15 addressed envelopes and had no response.

MR. KANE: Officially closing the public portion of the meeting and bring it back to the board. With the addition in there is the size of the home it's about 19 it's going to be similar in size and nature to other homes that are in there, it's not going to be bigger?

MR. THOMPSON: Not substantially, I think it's front line probably still will fall under the average maybe slightly above but and we're within the minimum livable square footage and building developmental coverage that's recommended for our addition.

MR. KANE: So the livable square footage would be total with the addition would come out to 1825?

MR. THOMPSON: Yes.

MR. KANE: That's not substantially bigger.

MR. THOMPSON: It's 280 square feet so I don't think so, it's only really a two room addition, one of those being a bathroom actually.

MR. KANE: So the existing square footage is 1545 now and you're adding 280 bringing it to 1825?

MR. THOMPSON: There's a roof above that level so it's two stories in nature but only one is livable space.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. KRIEGER: You say it's two stories in height but it wouldn't be the finished height of the addition with

the porch on the top won't be higher than the existing?

MR. THOMPSON: Won't be higher than the existing, I think it actually matches it but not higher.

MS. LOCEY: So it's going to be a second floor porch?

MR. THOMPSON: Like a roof balcony.

MR. KANE: Anything else from the board? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the request for two foot side yard setback to Lois Lyon at 2 Chimney Corner Road as requested.

MR. TORPEY: I'll second that.

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

POOOR_PEDDLER,_INC._ (08-14)

MR. KANE: Pooor Peddler, Inc. Screen Gems as referred by planning board. Request for 29,110 square foot minimum lot area, 46 foot 5 inches front yard setback on Route 32, 24 foot maximum building height, 30 foot rear yard setback, 22 foot front yard setback on Ruscitti Road and 4 off-street parking spaces all for proposed two story addition in existing commercial building at 41 Windsor Highway in a C zone.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: My name is A. J. Coppola, I'm the architect who's prepared the site plan. This is Carl Friedwall, he's the owner of the property. Basically what we're here to ask for tonight is a two story 1,200 square foot addition. This addition is about 20 feet wide and 30 feet deep and it is over an existing concrete foundation and patio based on the Ruscitti side of the existing property. So Screen Gems right now occupies the entire existing building which is a 60 feet long and 30 feet wide basically I'll show the, what the interior is basically one story as you walk in and then there's a basement below it. There's one small office in the rear. What we're proposing is basically as I said a 20 foot addition over the existing concrete patio, that space would be combined with the existing Screen Gems operation and then there would be a second floor 600 square foot office space above that. Most of our, if you look at the variance, the variances that we're requesting there are several, most of them basically are pre-existing conditions, some of them are a cause of what we're trying to do but basically as everybody's probably aware of this lot it's a very kind of a severe triangular lot, it's deceiving because from the Windsor Highway side the property line is 25 feet inside of the curb line so this lot appears to be much bigger than it is and DOT

installed those curbs, they left several gaps in there but we're providing all of our parking basically on our lot line. Of course we can't provide parking in the DOT right-of-way but that's one of the very deceiving things as you pass by cause it may look like there's an ocean of parking but in reality the lot line is way inside. So parking is one of our variance requests we're able to squeeze in 16 spaces, zoning requires 20 and I'm going to ask Carl to speak to that in a couple minutes. The front yard setback again right now currently is 11 foot 7 inches that's not going to change, we're asking for front yard setback on Ruscitti Drive that's 38 feet proposed, the rear yard is actually an encroachment onto Consolidated Rail property. Our property goes over by 1.8 feet and the rear yard setback is a function of the height of a building so we're asking for basically an entire variance there but again that's due to the fact that we have a zero lot line or it's an encroachment. Lot area again we can't change the size of the lot, it's 28,000 square foot but it appears a lot larger than it is. So that's basically in a nutshell what our variance requests are. We have been in front of the planning board, we were referred to the zoning board several months ago, we were of course here last month as part of a preliminary meeting and we hope if we're successful after tonight to return back to the planning board and continue our site plan approval and eventually file for a building permit. But I'm going to ask Carl to speak to a couple things, one is the nature of his business, he can tell you a little bit about what Screen Gems does, why Screen Gems needs this additional space, what they hope to do with that space and maybe a little bit about the parking cause we feel that the 16 spaces are more than adequate for the parking that his business will use.

MR. FRIEDWALL: I only brought two outlines.

MR. COPPOLA: I have another copy.

MR. FRIEDWALL: I think and again my name is Carl Friedwall, I'm no longer the owner of Screen Gems, my daughter runs the business now. She owns it. Poor Peddler is the owner of the building and Claire rents from me. Screen Gems is doing pretty well as you know that place that one corner was transient for a long time, nobody stayed there but I seem to make a business out of it. She's doing really well, she wants to add a new clothing line and they require specific amount of area for their complete line and so this particular area on the ground floor is going to be used for the, it's the Carhart line and to get a license you have to be able to do it, I also have a license as you see in the U.S. Military Academy and the web-based business could really be expanded for that and basically that's it. You pass that area all the time when you go down 32, you never see a lot of cars in my parking lot, you know, so it's not that there's a run on clothing, screen printed items but she does very well down there.

MR. KANE: How many employees are on the location?

MR. FRIEDWALL: Four, right now four, well, there's three and a part-timer.

MR. KANE: So if they were all there, you still have 12 spaces for customers which at the most that you may see at one time?

MR. FRIEDWALL: Yes.

MR. KANE: How many?

MR. FRIEDWALL: You might get three customers at one time.

MR. KANE: In one shot?

MR. FRIEDWALL: Yes.

MR. DITTBRENNER: You do primarily wholesale, you have licenses to screen print clothing lines?

MR. FRIEDWALL: We also we have a not a retail off the rack kind of business, we have a retail order business and retail prices.

MR. DITTBRENNER: But the majority of your business is wholesale so it's not driven by customers coming to the site?

MR. FRIEDWALL: No.

MR. DITTBRENNER: I think that's important to understand.

MR. FRIEDWALL: There is a lot of telephone calls, web based.

MR. BABCOCK: Are you using that as the foundation?

MR. COPPOLA: We hope to, we're going to verify that it is sound and deep enough but yes, that's the intent.

MR. BABCOCK: So the foundation when that was an ice cream stand that was where they sit with their picnic tables so basically the foundation's in for the addition.

MR. COPPOLA: Correct.

MR. DITTBRENNER: As long as the--

MR. KANE: Carl, how many existing parking places do you have now?

MR. FRIEDWALL: Well, they don't use the side too much, the unpaved area on the side although it's available to anybody who wants to use it.

MR. KANE: You can add that in your equation.

MR. FRIEDWALL: Right but it's all going to be paved.

MR. KANE: How many do you have?

MR. FRIEDWALL: I have two handicapped and another two in the front, three on the side.

MR. KANE: So you have been operating right now successfully with three to four employees in there and total of maybe 9 spaces?

MR. FRIEDWALL: Right, never had a problem.

MR. KANE: And we're bringing that up to 16 spaces?

MR. FRIEDWALL: Right.

MR. KANE: Even though it's four short of what's required.

MR. FRIEDWALL: Yes.

MR. KRIEGER: Four short of what's required but it's a significant improvement over what's there.

MR. KANE: Over what's existing right now.

MR. FRIEDWALL: Yes.

MR. KANE: Thank you. At this point, I will ask if there's anybody here in the audience? Seeing as there's not, we'll close the public portion of the meeting bring it back to Myra and ask her how many mailings we had.

MS. MASON: On May 23 I mailed out 14 addressed envelopes and had no response.

MR. KANE: Obviously since it's an existing pad there's no cutting down of vegetation or trees?

MR. COPPOLA: No.

MR. KANE: There's not going to be any creating of water hazards or runoffs?

MR. COPPOLA: No, all that stays the same.

MS. LOCEY: Would you speak a little bit of the second floor office space and what you would envision that to be?

MR. COPPOLA: Well, just real quickly it's 600 square feet on the second floor, there's going to be a side entrance, we'll have a separate entrance there, one bathroom, it does not, it is not required under the building code to be accessible, handicapped accessible, it's under that threshold of square footage.

MS. LOCEY: And you don't anticipate that any potential renter would cause parking problems?

MR. COPPOLA: I don't think so in this type of space no.

MR. BABCOCK: The parking calculations are done by square footage so there's the parking calculation was done for the entire building whether he's there or there's a tenant and as you know if there was more than one tenant there would be more employees, could be more traffic depending on who the tenant is.

MS. LOCEY: Right.

MR. BABCOCK: That's why we have to look at it that he needs the 20 spaces because if the gentleman decides to sell the building to another company that does strictly

retail then he would have to have that amount of parking or make it work.

MR. KRIEGER: Just so I can put it on the record so I have, look at the map here, I see basically a triangular piece of property, it butts right up against the railway right-of-way.

MR. COPPOLA: Right.

MR. KRIEGER: So there's no gap between that and the right-of-way on the other side of the highway?

MR. FRIEDWALL: Yes.

MR. COPPOLA: Correct.

MR. KRIEGER: So it's a unusually shaped piece of property.

MR. COPPOLA: That's correct, very unusual.

MR. KANE: Further questions?

MR. BEDETTI: Am I correct in understanding that you said the office is not going to be used to support the existing business, it's going to be built just as a rental office?

MR. FRIEDWALL: No, no, no.

MR. BEDETTI: Is it going to be used to support the business?

MR. FRIEDWALL: Yes.

MR. BEDETTI: What threw me is the last sentence that says Poor Peddler reserves the option to rent additional space on upper level of Screen Gems plans.

MR. FRIEDWALL: These are tougher times but I don't foresee that happening right now, upstairs is going to be computers, telephone, web base.

MR. BEDETTI: It's going to be used to support the existing business?

MR. FRIEDWALL: Right, yes.

MR. KANE: Any other questions? I'll accept a motion.

MR. DITTBRENNER: I move to accept and approve the application of Pooor Peddler, Inc. for various variance requests both new and pre-existing, non-conforming as indicated on the application.

MR. TORPEY: Second that.

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITTBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

MR. KANE: June 23rd is the next meeting. Motion to adjourn?

MS. LOCEY: So moved.

MR. TORPEY: Second it.

ROLL CALL

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| MR. BEDETTI | AYE |
| MR. DITTBRENNER | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

June 9, 2008

39

Respectfully Submitted By:

Frances Roth
Stenographer

